

# advocates for justice chartered attorneys

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May 28, 2020

APPLICATION GRANTED

SO ORDERED

  
VERNON S. BRODERICK

U.S.D.J. 5/29/2020

The parties are directed to schedule a second mediation conference with the SDNY mediation office.

## Via ECF

The Honorable Vernon S. Broderick  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007-1312

Re: **Knight v. MTA-New York City Transit Authority, No. 19-cv-9960 (VSB-GWG)**

Dear Judge Broderick:

This firm represents Plaintiff, Christine N. Knight, in the above-referenced matter and we write to you pursuant to your Honor's individual rule 1(G) to request an extension of time to oppose Defendant's Motion to Dismiss Plaintiff's Amended Collective and Class Action Complaint (Docket # 31, # 32). Per the parties' agreement (Docket # 28) and this Court's Order dated April 20, 2020 (Docket # 29), Plaintiff's opposition is due to be filed on Friday, May 29, 2020, and Defendant's reply is due by June 5, 2020. We ask for an additional two weeks to submit our opposition and a corresponding extension for Defendant's reply. Plaintiff also requests that the Court refer the instant case back to mediation.

As the Court is likely unaware, Plaintiff has a pending discrimination case against Defendant in the Eastern District of New York (19-cv-01428-PKC-LB) (the "Discrimination Case"), and the parties participated in mediation of that matter in December 2019, before Plaintiff retained our firm to represent her. After this Court's referral (Docket # 12), the parties participated in a mediation of Plaintiff's instant claims on March 3, 2020. Since March, Plaintiff's position on settlement of both cases has materially changed. She is now amenable to a global settlement of this case and her Discrimination Case, which she previously declined to consider. Plaintiff will also consider leaving employment with Defendant.

We request an extension of time to oppose Defendant's Motion to Dismiss in the interest of judicial economy and to best utilize Plaintiff's limited resources, which we believe are better dedicated to a global settlement of both cases than to motion practice.



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This is Plaintiff's first request for an extension of time to oppose Defendant's pending Motion to Dismiss (Docket # 31, # 32). This Court granted Plaintiff's three requests for an extension of time to oppose Defendant's first Motion to Dismiss (Docket # 18, #21 and #23). Defendant made a previous request for an extension of time for a mediator to be appointed (Docket # 13) that was granted in part (Docket # 14).

In response to Plaintiff's query, Defendant has stated: "Defendant opposes Plaintiff's request for an extension of time to oppose Defendant's motion to dismiss (with no due date requested by Plaintiff) because Plaintiff has already received three requests for an extension of time to oppose Defendant's motion to dismiss (which was refiled after Plaintiff filed an amended pleading), and Defendant does not want to delay this matter any further. Defendant also opposes Plaintiff's request to refer the case to mediation. Defendant's position that mediation is unlikely to be productive at this stage has not changed, and Defendant does not wish to waste the Court's or the parties' resources."

Thank you for your consideration.

Respectfully submitted,

ADVOCATES FOR JUSTICE,  
CHARTERED ATTORNEYS  
Attorneys for Plaintiff

/s/  
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cc: counsel of record, *via ecf*